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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,430	07/29/2003	Yoshimi Mizuta	03500.017451.	5291
5514	7590	10/04/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			MORRISON, THOMAS A	
		ART UNIT		PAPER NUMBER
		3653		

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/628,430	YOSHIMI MIZUTA ET AL.
	Examiner	Art Unit
	Thomas A. Morrison	3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 29 July 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 29 July 2003 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>09/02/2003</u> . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Objections

1. Claim 7 is objected to because of the following informalities: (1) “a function for aligning the sheets” should be -- a function for aligning sheets --; (2) a function for punching the sheet” should be -- a function for punching sheets --; and (3) “a function for stapling the sheets” should be -- a function for stapling sheets --. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: the structure or structural relationship in claim 1, between the claimed elements, that allows the sheet guiding portion to be selected to be in a state of guiding the sheet to the sheet stacking portion in a state in which a power supply of the sheet treating apparatus is turned off. What structure or structural relationship in claim 1 allows this function to occur?

Regarding claim 2, this claim does not further define the apparatus set forth in claim 1.

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: the structure or structural relationship in claim 3, between the claimed elements, that allows the sheet guiding portion to be switched to a state of selecting the sheet stacking portion when the sheet is not transported for a predetermined period of time in the state in which it is selected to guide the sheet to the sheet treating portion. What structure or structural relationship in claim 3 allows this function to occur?

Regarding claims 4 and 5, it is unclear as to the structural relationship between the power supply and the displacement body.

Claim 6 recites the limitation "said displacement body" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2 and 6-7, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,120,020 (Asao).

Regarding claim 1, Figs. 1 and 6(a) -8 show a sheet treating apparatus for subjecting a sheet transported from an image forming apparatus to treatment (see, e.g., column 1, lines 5-10), including

a sheet stacking portion (16) which is arranged to stack a sheet (P) transported by a sheet transporting force (transported by rollers 10) of the image forming apparatus without a transporting drive force of the sheet treating apparatus (60);

a sheet treating portion (near 60) which is arranged to subject the sheet transported from the image forming apparatus to post-treatment (column 6, lines 43-44); and

a sheet guiding portion (including 46) which is arranged to selectively guide the sheet (P) transported from the image forming apparatus to one of the sheet stacking portion (16) and the sheet treating portion (60),

wherein the sheet guiding portion (including 46) is selected to be in a state of guiding the sheet to the sheet stacking portion (16) in a state in which a power supply of the sheet treating apparatus (60) is turned off. More specifically, Figs. 6(a)-8 and column 5, lines 34-53 explain the guiding of the sheets to the stacking portion (16) when there is no post-processing. It is the examiner's position that a power supply of the treating apparatus (60) can be considered to be off when there is no post-processing (i.e., when there is no post-processing device in use).

Regarding claim 2, column 5, lines 46-53 disclose that the sheet (P) is dropped by a gravitational force of the sheet (P) and stacked on the sheet stacking portion (16).

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Regarding claim 6, Figs. 3(a) –3(d) show that the displacement body (including 46) comprises a sheet guide path which guides the sheet (P) to the sheet treating portion (60).

Regarding claim 7, column 6, lines 42-44 disclose that the sheet treating portion (60) has one of a function for stapling the sheets.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh can be reached on (571) 272-6944. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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